

United States District Court
Western District of Texas
San Antonio Division

United States of America,
Plaintiff,

v.

Nancy Almaguer,
Defendant.

and

Wells Fargo Bank, N.A.,
Garnishee.

Case No. SA-19-CR-00905-DAE(2)

Clerk's Notice of Post-Judgment Garnishment

TO: NANCY ALMAGUER

You are hereby notified that property is being taken by the United States which has judgments against you in the aggregate amount of \$52,704.52 in the above-captioned cases.

In addition, you are hereby notified that you have the right to claim exemptions from the Writ of Garnishment, to request a hearing, and to request a transfer of these proceedings (if applicable), as more fully described below. You may use the attached form to exercise these rights.

CLAIMING EXEMPTIONS

There are exemptions under the law which may protect some of the property from being taken; however, you bear the burden of demonstrating that the exemptions apply. *See* 28 U.S.C. § 3205(c)(5). A detailed explanation of the exemptions is contained in the attached form. The right to exempt property from this claim is established by federal law. *See* 18 U.S.C. § 3613. If you do not understand your rights, you may wish to seek advice as discussed below. You have a right to ask the Court to return your property to you if you think that you do not owe this debt to the government. If you think the subject property qualifies under one of the exemptions, you

may use the enclosed form to claim those exemptions. You must either mail it or deliver it in person to the **Clerk of the United States District Clerk, Western District of Texas, 262 West Nueva Street, Room 1-400, San Antonio, Texas 78207**.

REQUESTING A HEARING

If you want a hearing, you must notify the Court in writing within 20 days after receipt of this notice. If you wish, you may use the attached form. You must either mail it or deliver it in person to the **Clerk of the United States District Clerk, Western District of Texas, 262 West Nueva Street, Room 1-400, San Antonio, Texas 78207**. You must also send a copy of your request to the **Financial Litigation Unit, USAO-WDTX, Attn: AUSA Todd R. Keagle, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216**. The hearing is limited to: (1) to the probable validity of any claim of exemption by the judgment debtor; and (2) to compliance with any statutory requirement for the issuance of post-judgment remedy granted. The Court will issue an order advising you of the time, place and date of the hearing. At the hearing you may explain to the judge why you believe the subject property is exempt or why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, the proceeds from the garnishment will be paid on the debt you owe to the United States Government.

REQUESTING A TRANSFER

If you think you live outside the Federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the Court to the Federal judicial district in which you reside. However, the request is subject to the discretion of the Court and is not a mandatory right. You must make your request in writing, and either mail it or deliver it in person to the **Clerk of the Court, United States**

District Clerk, 262 West Nueva Street, Room 1-400, San Antonio, Texas 78207. If you wish, you may use the attached form. You must also send a copy of your request to the **Financial Litigation Unit, USAO-WDTX, Attn: AUSA Todd R. Keagle, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216.**

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Dated: 02/10/2022

JEANNETTE J. CLACK
UNITED STATES DISTRICT CLERK
WESTERN DISTRICT OF TEXAS

By: 

Deputy Clerk, Monica Granados-Ramos

**CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- 1. Wearing apparel and school books. (Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.)
- 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$10,090** in value.
- 3. Books and tools of a trade, business, or profession. (So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$5,050** in value)
- 4. Unemployment benefits. (Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.)
- 5. Undelivered mail. (Mail, addressed to any person, which has not been delivered to the addressee.)
- 6. Certain annuity and pension payments. (Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.)
- 7. Workmen's Compensation. (Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.)
- 8. Judgments for support of minor children. (If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is

necessary to comply with such judgment.)

- 9. Certain service-connected disability payments. (Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35,37, or 39 of such Title 38.)
- 10. Assistance under Job Training Partnership Act. (Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.)
- 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

_____ or telephonically at _____

Phone No. _____

Address _____

Debtor's printed or typed name _____

Signature of debtor _____

Date _____

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**Defendant's Claim of Exemptions,
Request for Hearing, and/or Request for Transfer**

You are entitled to a hearing if you can demonstrate that you do not owe the money to the Government or you are asserting that the property subject to garnishment is exempt pursuant to 18 U.S.C. § 3613(a)(1). *See* 28 U.S.C. §§ 3202 and 3205(c)(5). You bear the burden of proving such grounds. 28 U.S.C. § 3205(c)(5).

If claiming an exemption or requesting a hearing, please complete the following form by checking the space next to applicable section. You must mail or deliver the original of this form to the United States District Clerk and mail a copy to the United States of America as explained in the attached Clerk's Notice of Post-Judgment Garnishment to Defendant. *See* 28 U.S.C. § 3202(b).

I. CLAIM FOR EXEMPTIONS

I request a hearing based on the exemption(s) checked below:

Wearing apparel and school books. 26 U.S.C. § 6334(a)(1).

Fuel, provisions, furniture, and personal effects that do not exceed **\$10,090**. 26 U.S.C. § 6334(a)(2) & (g).

Books and tools of a trade, business, or profession that do not exceed **\$5,050**. 26 U.S.C. § 6334(a)(3) & (g).

Unemployment benefits. 26 U.S.C. § 6334(a)(4).

Undelivered mail. 26 U.S.C. § 6334(a)(5).

— Certain annuity and pension payments. — Annuity or pension payment under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of the United States Code. 26 U.S.C. §6334(a)(6).

Workmen's compensation. 26 U.S.C. § 6334(a)(7).

____ Judgments for support of minor children pursuant to a court judgment entered prior to the date of levy to contribute to the support of a defendant's minor children. 26 U.S.C. § 6334(a)(8).

Certain service-connected disability payments. 26 U.S.C. § 6334(a)(10).

Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(a)(12).

II. REQUEST FOR HEARING

I request a hearing because I do not owe the money to the Government.

Explanation:

III. REQUEST FOR TRANSFER

I request a transfer to the federal judicial district in which I reside, which is the _____ District of _____ (state).

Defendant's
Signature: _____

Date: _____

Address: _____

E-mail: _____

Daytime Telephone: _____

CERTIFICATE OF SERVICE

I certify that on _____, I mailed a copy of this form to the following:

Wells Fargo Bank, N.A.
c/o Corporation Service Company
d/b/a CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701

Financial Litigation Unit
USAO-WDTX
Attn: AUSA Todd R. Keagle
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

Signature of Defendant